



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY  
OF THE CITY OF HAYWARD**  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, June 15, 2004, 8:00 p.m.

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**MEETING**

The Meeting of the Special Joint City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Henson.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Quirk,  
Halliday, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: None

**PRESENTATION:** Business Recognition Award

The City of Hayward presented the Business Recognition Award for June 2004 to Duc Housing Partners, Inc., a land development and homebuilding firm founded in 1997 by Daniel Duc and his partners Patrick Geary and Lewis Milligan. The privately held company has a family homebuilding tradition that stretches back to the 1960's. Duc Housing has developed and built many residential communities in and around Northern California either on its own or in joint partnership with other homebuilders. Known for its ability to work with municipalities and other interested parties, Duc has a reputation for creating communities that work within a city's plan. An example of this is the Alden E. Oliver Sports Park of Hayward which was built by Duc Housing as part of a larger community development with its joint partner, Standard Pacific Homes. For the development of the Alden E. Oliver Sports Park and the contribution it makes to the City of Hayward, particularly to the youth of our community, the City of Hayward's Business Recognition Award for June 2004 was awarded to Duc Housing Partners, Incorporated. Patrick Geary, Executive Vice President, who was accompanied by Joseph Fanelli, Senior Vice President, Forward Planning, accepted the award and thanked Council for this honor and recognition. On behalf of the employees of Duc housing, Mr. Geary thanked Council for this award. He added that Duc Housing wanted to show their continued commitment to the City by pledging the sum of \$1 million dollars to the library building fund.

City Manager Armas responded on behalf of the City and the Library Director Marilyn Baker-Madsen. He noted her family obligation at a commencement in Arizona. Mr. Armas then expressed on her behalf, as well as the City's, sincere gratitude and appreciation for this generous contribution.

**PUBLIC COMMENTS**

Jason Moreno spoke about City of San Leandro's fire services.

**DRAFT**

Harry Bruno spoke about a previous investigation of the Police Chief as well as the Mayor's statement last week adding that he was a former City employee for 30 years. He noted the number of off-duty police officers in attendance at the last work session and implored Council to review the investigation of the former Police Chief.

Zachary Bruno spoke about police services.

Barbara Swarr read a statement regarding the notice of intention to circulate a petition for recall that was submitted at Council, and also discussed a video series taking place at Chabot College during June, July and August.

Robert Lopez, spoke about recall effort as well as businesses along the Mission corridor and asked about investigation report regarding the former Police Chief.

Mayor Cooper said she had received a notice from Governor Schwarzenegger inviting people to sign some pages which will be gathered from throughout the State to be bound together in a book of condolences for the Reagan family and the Reagan Library. The pages will be available for signing at the City of Hayward Library on Friday at noon.

Jim Drake spoke about the China Buffet restaurant saying it is a great business that is going to be lost with the proposed alternative to 238. He suggested the City of Hayward look to relocating and perhaps, subsidizing them to keep them here.

Mayor Cooper announced a meeting scheduled for Wednesday, June 16, 2004, regarding the alternative to Route 238. She emphasized that no decision has been made as of yet, and invited everyone who has an interest in this project to attend the meeting. She commented that the decision would be made by the end of the year in order to retain the funding for the project.

## **CONSENT**

1. Approval of Minutes of the City Council Meeting of June 8, 2004

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to approve the minutes of the City Council Meeting of June 8, 2004.

2. Sanitary Sewer Lining and Spot Repairs at Highland and Spring Drive Area: Award of Contract

Staff report submitted by Deputy Director of Public Works/Utilities  
Ameri, dated June 15, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:



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Resolution 04-082, "Resolution Awarding Contract to California Trenchless, Inc., for the Sanitary Sewer Lining and Spot Repairs at Highland Area and Spring Drive Area, Project No. 7598"

Resolution 04-083, "Resolution Amending Resolution 03-094, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2003-04, Relating to an Appropriation of Funds from the Sewer Collection System Replacement Fund to Complete the Sanitary Sewer Lining and Spot Repairs at Highland Area and Spring Area, Project No. 7598"

3. Traffic Signal Installation on Huntwood Avenue at Schafer Road: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated June 15, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 04-084, "Resolution Approving Plans and Specifications for Traffic Signal Installation on Huntwood Avenue at Schafer Road, Project No. 5753, and Call for Bids"

## **HEARINGS**

4. Sara Conner Place – Eden Housing Inc. (Applicant) – Property Located at 32525, 32527 Mission Boulevard

- A. Zone Change and Site Plan Review and Parking Exception to Develop 57 Units of Affordable Housing

Staff report submitted by Planning Manager Anderly, dated June 15, 2004, was filed.

Council Member Ward recused himself from this item.

Planning Manager Anderly made the staff report, highlighting the area of the project and the request to change the zoning of the area to high density residential. She then reviewed the drawings depicting the proposed development. She noted that studies and information support the parking exception.

**DRAFT**

Council Member Henson expressed concern with the reduction of AC transit service in the area, the limited amount of parking, noting that the streets would be congested. He suggested including requirements for resident-only parking permits for that area.

Public Works Director Butler responded that the City could look at that possibility. He indicated that the City could monitor the situation once the project is complete and make a presentation in that regard.

Council Member Henson stated that Lafayette Street is an outlet for some of the dairy trucks and wondered how they would be handled since this proposal encompasses Lafayette Street. He noted that the utilities are above ground and asked about funding for under grounding facilities along Mission.

Planning Manager Anderly explained that there would be space enough for parking and 2-way traffic.

Public Works Director Butler said ultimately under grounding will eventually come to that area.

Council Member Henson said he was looking at the Housing Element, and with household sizes growing, he was wondering why there were more 2-bedroom units than 3-bedroom units.

Neighborhood and Economic Development Manager Bauman explained that they were working to create the best balance between the amount of parking on site and more 2-bedrooms units allowed for more parking.

Council Member Dowling discussed the auto traffic off Pulaski Drive and whether there are garages on that side.

Planning Manager Anderly noted that most of the parking is underneath the project with some of the surface parking along the Lafayette Street side.

Council Member Halliday again asked for further clarification regarding parking and how it will be assigned.

Planning Manager Anderly explained that each unit will be assigned a space within the covered garage and there will be assigned visitor parking.

Linda Mandolini, Eden Housing, explained there are nine assigned visitor spaces.

Council Member Halliday noted that Mr. Cameron discussed the bus stop being relocated. She then asked about the play areas in the project. She commented that the project would pay school impact fees to the New Haven School District.

Planning Manager Anderly explained that the project was exempt from park in lieu fees, but there would be tot lots and open spaces in the development. She added that this project has more group space than most projects.



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Council Member Jimenez asked about ownership of Lafayette Street and whether the City was giving it away.

Public Works Director Butler explained that the property owner actually owns the street. The City has only a street easement over that property.

Council Member Henson discussed the proposed traffic signal on Lafayette. He noted that on the other side of Mission is the Chapel of the Chimes, which officially has a Hayward address but is in Union City, so the Chapel will also have the benefit of a traffic signal, controlled by one light. He asked what impact a traffic signal would have on traffic flow.

Public Works Director Butler said that the signal could be controlled so it will not be detrimental to traffic, adding that this is a State of California highway as well.

Council Member Henson discussed the problems of a long procession leaving the funeral home and wondered about the impact from the west side.

Public Works Director Butler noted that Caltrans controls the signals, but there are special officers that control the traffic in those instances, adding it would have only a short-term impact.

City Manager Armas said the City of Hayward has received correspondence from residents in the area, requesting a traffic signal at that location.

Mayor Cooper opened the public hearing at 8:57 p.m.

Charlie Cameron spoke regarding public transit and 4 pages of comments that he previously submitted. He discussed the truck traffic in the area.

Linda Mandolini, Eden Housing development team, thanked the City for their long-standing partnership. She noted that they had developed over 1,000 units of affordable housing in Hayward, including the Josephine Lum Lodge, which is the oldest unit in the City of Hayward. She said this project is being dedicated to Sara Conner, a long-standing member of the Eden Housing Board. She commented briefly about the individuals who live in affordable housing. She explained the income average, as well as the rental costs for the project, noting that many of the residents live and work in the community. She said they had two community meetings in the neighborhood. One concern was about traffic. They approved the narrowing of Lafayette and want Caltrans to approved the traffic signal. She also thanked Ann Bauman for all of her work with them throughout the years as well as all of the other staff involved.

**DRAFT**

Project Architect Curtis Caton from Pyatok Architects, Inc., said that by working with City staff, they were able to add balconies to the buildings and patios on grade below those in the three other buildings not along Mission.

Council Member Dowling asked about the podium.

Mr. Caton explained that it is a term for housing built on top of a large concrete slab elevated above ground. Units along Mission have podium level courts.

Council Member Halliday complimented the developer for working with the entire community. She said she has spoken to people in the area; they appreciated community concerns being taken into consideration.

Council Member Henson said it was an attractive rendering. He drew in lines on windows and asked about grid windows instead of plain. He asked whether this was a cost issue.

Mr. Caton replied that it was a cost as well as aesthetics issue. He said these windows reflect more of an old-fashioned slide up window. However, he agreed to look at the concept of grid windows.

Jim Drake, expressed concerns regarding parking equated with the low-income project. He asked whether any other low-income projects in Hayward have allowed less parking than normally required.

Planning Manager Anderly explained that other modest income projects in Hayward were studied to help staff draw conclusions regarding this project. She commented that most were built in the 60s when the parking requirements were far below today's standards. She has also observed that many contemporary apartment projects provide for one parking space per unit and charge for the second, which encourages spillover onto the street.

Mr. Drake asked where in Hayward there was a project in which the parking does not spill over into the neighborhood.

Planning Manager Anderly noted Glen Berry on Berry Avenue.

Mr. Drake explained that he was required to provide 2.5 parking spaces per unit. Neighbors park on his property. He said it is not right to require less parking for this project and that the code should apply to them as well.

Barbara Swarr asked whether this project is in the Redevelopment Area and whether the City of Hayward used eminent domain for this property. She also asked whether Eden Housing is paying planning fees and whether they would pay the loan during construction.

City Manager Armas explained that this information would be discussed under Item B.



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Ms. Swarr thanked Eden Housing for a good quality project. She suggested that the planning fees be delayed until after the project is built similar to the courtesy extended to the developer on Site 4. She also commented favorably regarding design of housing and the use of open space as compared to housing in the downtown area.

City Manager Armas clarified that Site 4 has 22 units that will be sold at a substantially reduced rate.

Mayor Cooper closed the public hearing at 9:17 p.m.

Council Member Jimenez thanked staff for an outstanding report.

Council Member Dowling thanked Eden Housing for a quality project and for working with the neighborhood and, in particular, for naming it after Sara Conner, a great leader in the community. He added that he serves as the representative to the Central County AC Transit Committee and will bring up the concerns expressed with this project.

Council Member Halliday also thanked everyone for the quality project and noted in particular naming the project for a local volunteer.

Mayor Cooper expressed her hopes that this project would revitalize this area of Hayward. She also commented on the quality of the project and the people who would be living there.

It was moved by Council Member Jimenez, seconded by Council Member Quirk, and carried, with Council Member Ward absent, to introduce and adopt the following:

Introduce Ordinance 04-\_\_, "An Ordinance Amending Section 10-1.168 of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application PL-2004-0188"

Resolution 04-085, "Resolution Adopting the Mitigated Negative Declaration and Approving Zone Change Application No. PL-2004-0188, Site Plan Preview Application No. PL-2004-0191 and Parking Exception No. PL 2004-0192 of Eden Housing, Inc. (Applicant)"

Resolution 04-086, "Resolution Summarily Vacating a Portion of Lafayette Avenue"

Resolution 04-087, "Resolution Vacating a Portion of the Public Service Easement Located within a Section of Mission Boulevard"

**DRAFT**

B. Approval of City and Agency Funding to Eden Housing, Incorporated, to Develop 57 Units of Affordable Housing

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated June 15, 2004, was filed.

Neighborhood and Economic Development Manager Bauman noted the total cost for the project would be \$18.6 million. The needed \$6.25 million can be loaned through the City of Hayward's Low-Moderate Income Fund and the Alameda County Loan Consortium. In order to keep this project fully affordable, the City's loan to them would be at 3% for 55 years and is a fully deferred loan.

Council/RA Member Henson asked about State requirements regarding the funding. He also verified that money would still be available for the First Time Homebuyer Program.

Neighborhood and Economic Development Manager Bauman explained that State law requires that tax increment revenues from redevelopment areas have 20 percent set aside to create affordable housing.

City Manager/Executive Director Armas asked about the \$6.25 million being deferred for 55 years.

Council/RA Member Dowling commented that, because we have requirement for the low to moderate-income housing, why not make it a grant.

Neighborhood and Economic Development Manager Bauman explained that if it were a grant, it would affect the tax credit basis. After 55 years, the City will get it back with some interest and it will then be available for more affordable housing.

Council/RA Member Jimenez emphasized the two different sources of funding for this project saying he wanted those taxpayers not in attendance to know where money is coming from.

Mayor/Chair Cooper opened the public hearing at 9:28 p.m.

Barbara Swarr spoke about the deferred loan compared to the funding for Site 4. She expressed appreciation that Eden Housing is getting a deferred, 55-year loan for a good project.

Mayor/Chair Cooper closed the public hearing at 9:30 p.m.

Council/RA Member Henson commented favorably on the project noting that it will vitalize that area.

Council/RA Member Dowling commented on the City Walk Project. The City did use low- moderate-funds for this project as well as partnered with them in building affordable housing at that location.

It was moved by Council/RA Member Henson, seconded by Council/RA Members Jimenez and Dowling, and carried with Council Member Ward absent to adopt the following:



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Resolution 04-088, "Resolution Appropriating \$4.5 Million in Home Investment Partnership Funds to Develop 57 Units of Affordable Housing and Authorizing the City Manager to Execute Loan Documents with Eden Housing, Inc"

RA Resolution 04-06, "Resolution Appropriating \$1.75 Million from the Redevelopment Agency's Low and Moderate Income Housing Fund to Develop 57 Units of Affordable Housing and Authorizing the Agency's Executive Director to Execute Loan Documents with Eden Housing, Inc."

Ms. Mandolini announced that the structures on the site would be razed during the next 90 days.

5. Downtown Business Improvement Area Consideration of Annual Levy

Staff report submitted by Redevelopment Project Manager Dalmon, dated June 15, 2004, was filed.

Redevelopment Project Manager Dalmon presented the staff report. He noted that no changes had been made to the boundaries or the amount of the levy. He also invited everyone to the "B" Street Summer Party on Thursday, June 17th.

Council Member Henson asked questions about activities for the years 2003/04. He also asked whether they were linked to the City's website. He also wondered about the members who felt their benefits were not as great as those in the downtown core.

Redevelopment Project Manager Dalmon explained the downtown activities and added that Hayward lost their annual antique festival. The BIA Advisory Board is looking at creating a new event. They will wait for a new vendor and will come back if a budget augmentation is necessary. He discussed the publications as well. He explained that three assessment zones were created so that businesses are assessed on their locations. The core area pays highest rates.

Council Member Dowling suggested the Downtown publications emphasize and highlight the downtown restaurants. Numanali's is an example and perhaps they should do a feature on these places for people who have not been downtown in awhile.

Council Member Halliday complemented staff on the fine job they have done with the activities in the downtown area. She said she is looking forward to this summer's activities as well as anything new that will be added to the area.

**DRAFT**

Mayor Cooper opened and closed the public hearing at 9:40p.m.

It was moved by Council Member Halliday, seconded by Council Member Henson, and carried with Council Member Ward absent to adopt the following:

Resolution 04-089, “Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area (DBIA) Levy for Calendar Year 2005”

## **COUNCIL REPORTS**

There were no Council reports.

## **ADJOURNMENT**

Mayor/Chair Cooper adjourned the meeting at 9:41 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

ATTEST:

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Connie G. Macias, Acting City Clerk, City of Hayward  
Acting Secretary, Redevelopment Agency